

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

<p style="margin: 0;">Applicant's or agent's file reference see form PCT/ISA/220</p>		<p>Date of mailing (day/month/year) see from PCT/ISA/210 (page 2)</p>	
<p style="margin: 0;">International application No. PCT/DE2004/001608</p>		<p style="margin: 0;">International filing date (day/month/year) 7/22/2004</p>	
<p style="margin: 0;">Priority date (day/month/year) 8/7/2003</p>			
<p style="margin: 0;">International Patent Classification (IPC) or both national classification and IPC B60K31/00</p>			
<p style="margin: 0;">Applicant ROBERT BOSCH GMBH</p>			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA/ European Patent Office Berlin Facsimile No. <i>8 1322952443</i></p>	<p>Authorized officer Tamme, H-M</p>
<p>Telephone No.</p>	

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/DE2004/001608

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. **type of material**

a sequence listing
 table(s) related to the sequence listing

b. **format of material**

in written format
 in computer readable form

c. **time of filing/furnishing**

contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/DE2004/001608

Box No. II Priority

1. The following document has not yet been furnished:

copy of the earlier application whose priority has been claimed (Rules 43bis.1 and 66.7(a)).

translation of the earlier application whose priority has been claimed (Rules 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/DE2004/001608

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2, 3, 6, 7	YES
	Claims	1, 4, 5	NO
Inventive step (IS)	Claims		YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations:

see supplementary page

WRITTEN DECISION OF THE INTERNATIONAL SEARCH AUTHORITY
(APPENDED SHEET)

International file number PCT/DE2004/001608

Concerning Point V:

Reasoned statement with regard to novelty, inventive step, and industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following documents:

D1: DE 100 04 525 A (VOLKSWAGENWERK AG), 9 August 2001
(2001-08-09)

D2: DE 199 58 520 A (BOSCH GmbH ROBERT), 7 June 2001
(2001-06-07)

D3: DE 100 52 816 A (DAIMLER CHRYSLER AG), 23 May 2002
(2002-05-23)

D4: EP-A-1 096 457 (VOLKSWAGENWERK AG), 2 May 2001
(2001-05-02)

2 With respect to Claim 1, D1 discloses a driver assistance system for motor vehicles having at least one assistance function that is to be used only under particular preconditions, having an acquisition device (7) for acquiring data concerning the locality in which the vehicle is traveling, and having a blocking device (interested) for blocking the assistance function if the acquired data indicate that the preconditions for the use of the assistance function are not met (column 3, lines 32 to 36).

The subject matter of Claim 1 is therefore not new.

2.1 In relation to Claims 4 and 5, D1 further discloses that the acquisition device is a navigation system (7) and that the navigation system is an intelligent (implicit)

- navigation system in which roadway characteristics are stored that indicate whether on the respective roadway the preconditions for the assistance function are met or not (implicit, and characterizing part of Claim 1).

Thus, all the features of Claims 4 and 5 are also disclosed by D1.

- 3 The dependent claims do not contain any features that, in combination with the features of any claim on which they are dependent, fulfill the requirements of the PCT with respect to inventive step. The reasons for this are as follows:

- 3.1 The subject matter of Claims 2 and 3 differs from that of D1 in that the assistance function is a Low Speed Following function, and that the assistance function is fashioned so as to brake the home vehicle automatically to a standstill when the vehicle traveling in front has come to a stop.

The object to be achieved by the subject matter of Claims 2 and 3 can be seen as: offering assistance to the driver even in high-density traffic.

For this purpose, the same features are already used in D2 (see for example Claim 1). For someone skilled in the art, it is therefore obvious to apply these features as well in a driver assistance system according to document D1, with corresponding effect, and in this way to arrive at a driver assistance system according to Claims 2 and 3.

- 3.2 With respect to Claim 6, the use of a telematics receiving device has become a standard procedure in motor vehicles for acquiring corresponding informational data (see for example D3). For this reason, someone skilled in

- the art would also, as part of his routine competence, incorporate this feature into a driver assistance system according to D1.

3.3 Finally, with respect to Claim 7, the use of a video sensory device fashioned so as to recognize town entry and exit signs is known in the prior art for optimizing the assistance function with regard to traffic regulations (see for example D4, Claim 1).